IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9026 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AMITKUMAR NAROTTAMBHAI PATEL

Versus

UNION OF INDIA

Appearance:

M/S THAKKAR ASSOC. for Petitioner

Ms.P.J.Davawala for respondent

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 26/09/2000

ORAL JUDGEMENT

Rule. Ms.Davawala, Ld.Additional Central Govt.Standing Counsel waives service of rule for respondent.

2. In this petition under Article 226 of the Constitution, the petitioner has prayed for a writ of

mandamus directing the Regional Passport Officer, Ahmedabad to correct the birth date of the petitioner in the petitioner's passport from 20.6.1969 to 1.6.1969.

3. The petitioner had earlier applied for passport and in the application the petitioner had given out his birth date as 20.6.1969. Thereafter, the petitioner obtained a copy of birth certificate issued by the Ahmedabad Municipal Corporation wherein it was shown that the petitioner was born at Ahmedabad on 1.6.1969. Copy of the said certificate is at Annexure "A" to the petition.

4. In view of the above, the petitioner submitted an application for correction of birth date in the passport. The respondent replied that the order of the Court is required. Hence, the petitioner filed this petition.

5. Having heard the learned counsel for the parties, the Regional Passport Officer is directed to consider the petitioner's application for correction in the date of birth of the petitioner in his passport on the basis of the material which may be placed before the Regional Passport Officer more particularly the birth certificate issued by the Ahmedabad Municipal Corporation (at annexure "A" to the petition) and he shall pass appropriate orders as expeditiously as possible and preferably within a period of one month from the date of receipt of writ of this Court or a certified copy of this judgment, whichever is earlier.

6. In case the petitioner is required to apply for a fresh passport the petitioner shall comply with the requisite formalities for the same.

7. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

8. Since the respondent is not responsible for the mistake in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,000/- to the respondent within two weeks from today. Direct service is permitted.

26.9.2000 (M.S.SHAH,J)